UNITED STATES PATENT AND TRADEMARK OFFICE

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RITTER VAN PELT & YI, L.L.P.
4906 EL CAMINO REAL
SUITE 205
LOS ALTOS, CA 94022

EXAMINER
THOMPSON JR, FOREST

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/483,388	XIA ET AL.
	Examiner	**Art Unit**	
	Forest O. Thompson Jr.	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 September 2002</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12 and 14-17</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12 and 14-17</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action (See Paper #5). The text of those sections of Title 35,

U.S. Code not otherwise provided in a prior Office action will be included in this action

where appropriate.

2.   This action is responsive to the amendment A filed on 09/03/2002 (see Paper .

#6). Applicant deleted claim 13 and presented arguments as to the patentability of the

application. Claims 1-12 and 14-17 are pending.

3.   Claims 1-12 and 14-17 have been examined.

Claim Rejections - 35 USC § 112

4.   Claim 13 was rejected in the First Action (see Paper #5) as being a substantial

duplicate of claim 12. Applicant deleted claim 13 in amendment A. Therefore,

examiner withdraws the rejection.

Claim Rejections - 35 USC § 103

5.   Claims 1-12 and 14-17 were rejected in Paper #5 under 35 U.S.C. 103(a) as

being unpatentable over Dedrick (U.S. Patent No. 5,724,521), and further in view of

Angles et al. (U.S. Patent No. 6,385,592). Examiner maintains the rejection below.

Claim 1:   Dedrick discloses:

renting out a marketing object container to a first party, wherein the marketing

object container is presented in a web page associated with a second party (col. 4 line 3

– col. 5 line 4), in the context of presenting advertisers' advertisements to users over the

system for a fee;

selecting an attribute to be associated with the marketing object container,

wherein the first party associates the attribute with the marketing object container (col. 4

lines 16-35; col. 5 lines 5-53); and

sending the selected attribute to be associated with the marketing object

container (col. 4 lines 16-48; col. 5 lines 5-53), in the context of associating the chosen

attributes with the identified advertisements.

Dedrick does not specifically disclose sending the selected attribute to be

automatically associated with the marketing object container. However, Dedrick does

disclose:

-        *The publisher/advertiser 18 is provided with software tools to create electronic*

information which includes content and advertisements that can be transmitted over the

system. ... The software tools may include a hypertext oriented mark up language that

routes distributed end users to the content databases (col. 4 lines 3-15.

-        *The publisher/advertiser 18 is also provided with software tools to create*

electronic information in a wide variety of consumption formats that can be transmitted

over the system. These consumption formats include formats such as audio, video,

graphics, animation, text, etc. For example, an advertiser 18 may create an

advertisement for a camera which describes the camera in both audio and video format

(col. 4 lines 37-48).

Dedrick discloses, in this disclosure, functionality that encompasses

automatically associating characteristics (or attributes) with a marketing container.

Additionally, Angles et al. discloses:

HyperText Markup Language (HTML). A standard coding convention and set of

codes for attaching presentation and linking attributes to informational content within

documents. (HTML 2.0 is currently the primary standard used for generating Web

documents.) During a document authoring stage, the HTML codes (referred to as

"tags") are embedded within the informational content of the document. When the Web

document (or "HTML document") is subsequently transferred from a Web server to a

Web browser, the codes are interpreted by the Web browser and used to parse and

display the document. In addition to specifying how the Web browser is to display the

document, HTML tags can be used to create links to other websites and other Web

documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).

Angles et al. discloses that the use of HTML provides the functionality and utility

for automatically performing desired functions, such as claimed by applicant. Therefore,

it would have been obvious to one skilled in the art at the time the invention was made

to modify Dedrick to disclose sending the selected attribute to be automatically

associated with the marketing object container, as disclosed by Angles et al., because

this capability is encompassed by the disclosures of both Dedrick and Angles et al., and

simplifies the presentation, to the user, of desired information from advertisers and others.

Claim 2:   Dedrick discloses selecting a marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with software tools to create electronic information in a wide variety of consumption formats that can be transmitted over the system. These consumption formats include formats such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may create an advertisement for a camera which describes the camera in both audio and video format.*

Claim 3:   Dedrick discloses sending a selected marketing object for association with the marketing object container (col. 4 lines 37-48), in the context of transferring consumption formatted electronic information to metering servers and subsequently to client systems.

Claims 4, 5, 9:   Dedrick does not specifically disclose renting out a second marketing object container to the first party, wherein the second marketing object container is presented in a second web page associated by a third party, wherein the selected marketing object is automatically associated with the second marketing object container, nor wherein the selected attribute is automatically associated with the second marketing object container. However, Dedrick does disclose:

-       renting out a marketing object container to a first party, wherein the marketing

object container is presented in a web page associated with a second party (col. 4 line 3

– col. 5 line 4), in the context of presenting advertisers' advertisements to users over the

system for a fee.

-       selecting a marketing object for association with the marketing object container

(col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided with*

software tools to create electronic information in a wide variety of consumption formats

that can be transmitted over the system. These consumption formats include formats

such as audio, video, graphics, animation, text, etc. For example, an advertiser 18 may

create an advertisement for a camera which describes the camera in both audio and

video format.

-       a method and apparatus for providing electronic advertisements to end users

(Abstract).

-       a consumer scale is generated for each of multiple electronic advertisements.

These advertisements are then transferred to multiple yellow page servers, and the

titles associated with the advertisements are subsequently transferred to multiple

metering servers (Abstract).

-       The publisher/advertiser 18 is provided with software tools to create electronic

information which includes content and advertisements that can be transmitted over the

system (col. 4 lines 37-40).

Dedrick provides the functionality for creating multiple advertisements, and does

not limit the number of advertisements that advertisers may create and provide for

presentment to users. Therefore, it would have been obvious to one skilled in the art at

the time the invention was made that Dedrick discloses the functionality for renting out a

second marketing object container to the first party, wherein the second marketing

object container is presented in a second web page associated by a third party, wherein

the selected marketing object is associated with the second marketing object container,

and wherein the selected attribute is associated with the second marketing object

container.

However, Dedrick does not specifically disclose the selected marketing object is

automatically associated with the second marketing object container, nor wherein the

selected attribute is automatically associated with the second marketing object

container. Dedrick does disclose:

- *The publisher/advertiser 18 is provided with software tools to create electronic*

information which includes content and advertisements that can be transmitted over the

system. ... The software tools may include a hypertext oriented mark up language that

routes distributed end users to the content databases (col. 4 lines 3-15.

- *The publisher/advertiser 18 is also provided with software tools to create*

electronic information in a wide variety of consumption formats that can be transmitted

over the system. These consumption formats include formats such as audio, video,

graphics, animation, text, etc. For example, an advertiser 18 may create an

advertisement for a camera which describes the camera in both audio and video format

(col. 4 lines 37-48).

Dedrick discloses, in this disclosure, functionality that encompasses automatically associating characteristics (or attributes) with a marketing container. Additionally, Angles et al. discloses:

HyperText Markup Language (HTML). A standard coding convention and set of codes for attaching presentation and linking attributes to informational content within documents. (HTML 2.0 is currently the primary standard used for generating Web documents.) During a document authoring stage, the HTML codes (referred to as "tags") are embedded within the informational content of the document. When the Web document (or "HTML document") is subsequently transferred from a Web server to a Web browser, the codes are interpreted by the Web browser and used to parse and display the document. In addition to specifying how the Web browser is to display the document, HTML tags can be used to create links to other websites and other Web documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose the selected marketing object is automatically associated with the second marketing object container, nor wherein the selected attribute is automatically associated with the second marketing object container, as disclosed by Angles et al., because this capability is encompassed by the disclosures of both Dedrick and Angles et al., and simplifies the presentation, to the user, of desired information from advertisers and others.

Claim 6:   Claim 6 is a method and is essentially the same limitations as claim 1;

therefore, the same rejection is applied.

Claim 7:   Dedrick discloses selecting at least one marketing object for insertion in

the marketing object container, wherein the first party selects the at least one marketing

object (col. 4 lines 37-48), in the context of *The publisher/advertiser 18 is also provided*

with software tools to create electronic information in a wide variety of consumption

formats that can be transmitted over the system. These consumption formats include

formats such as audio, video, graphics, animation, text, etc. For example, an advertiser

18 may create an advertisement for a camera which describes the camera in both

audio and video format.

Claim 8:   Claim 8 is a method and is essentially the same limitations as claim 4;

therefore, the same rejection is applied.

Claim 10:   Dedrick does not specifically disclose automatically associating the at

least one marketing object for insertion in the second marketing object container.

Dedrick does disclose selecting at least one marketing object for insertion in the

marketing object container also associating the at least one marketing object for

insertion in the second marketing object container (col. 4 lines 3-15; col. 4 lines 37-48;

col. 5 lines 5-53) , in the context of:

-       *The publisher/advertiser 18 is provided with software tools to create electronic*

information which includes content and advertisements that can be transmitted over the

system. ... The software tools may include a hypertext oriented mark up language that

routes distributed end users to the content databases.

-       *The publisher/advertiser 18 is also provided with software tools to create*

electronic information in a wide variety of consumption formats that can be transmitted

over the system. These consumption formats include formats such as audio, video,

graphics, animation, text, etc. For example, an advertiser 18 may create an

advertisement for a camera which describes the camera in both audio and video format.

Dedrick discloses, in this disclosure, functionality that encompasses

automatically associating characteristics (or attributes) with a marketing container.

Additionally, Angles et al. discloses:

HyperText Markup Language (HTML). A standard coding convention and set of

codes for attaching presentation and linking attributes to informational content within

documents. (HTML 2.0 is currently the primary standard used for generating Web

documents.) During a document authoring stage, the HTML codes (referred to as

"tags") are embedded within the informational content of the document. When the Web

document (or "HTML document") is subsequently transferred from a Web server to a

Web browser, the codes are interpreted by the Web browser and used to parse and

display the document. In addition to specifying how the Web browser is to display the

document, HTML tags can be used to create links to other websites and other Web

documents (commonly referred to as "hyper-links") (col. 6 lines 37-54).

The disclosure of Angles et al. discloses that the use of HTML provides the functionality and utility for automatically performing desired functions, such as claimed by applicant. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify Dedrick to disclose automatically associating the at least one marketing object for insertion in the second marketing object container, as disclosed by Angles et al., because this promotes and facilitates the presentation to users of information/data selected by publishers/advertisers/content providers and provides assistance to the user in accessing desired information from publishers/advertisers/content providers.

Claim 11:   Dedrick discloses the second party provides a service to a plurality of parties and at least some of the parties are unrelated, and the unrelated parties are only allowed access to their own marketing presentation (col. 7 lines 16-49).

Claims 12, 13:   Dedrick discloses the second party receives a commission based on revenue generated by the first party's marketing presentation (col. 11 lines 17-27), which is encompassed in the disclosure of *It should be noted that the metering server 14 charges the publishers/advertisers 18 a fee for access to the metering server 14. This fee is in addition to the amount an advertiser 18 pays each time the advertisement is consumed by an individual end user.*

Claim 14:   Dedrick discloses the second party receives fees from the first party for

hosting their marketing presentation (col. 11 lines 17-27).

Claim 15:   Dedrick discloses:

a processor configured to provide a marketing object container associated with a

first party (col. 2 line 54 – col. 3 line5; col. 4 line 3 – col. 5 line 4);

the processor also being configured to facilitate associating the marketing object

container with a website, wherein the website is associated with a second party (col. 4

line 3 – col. 5 line 4), in the context of presenting advertisers' advertisements to users

over the system for a fee; and

facilitating associating an attribute with the marketing object container, wherein

the first party associates the attribute with the marketing object container (col. 2 line 54

– col. 3 line5; col. 4 lines 16-35; col. 5 lines 5-53); and

a memory coupled with the processor, wherein the memory is configured to

provide the processor with instructions (col. 2 line 54 – col. 3 line28; col. 11 line 59 –

col. 12 line 8).

Claim 16:   Claim 16 is a computer program product and contains essentially the

same limitations as claim 15; therefore, the same rejection is applied.

Claim 17:   Dedrick does not specifically disclose the computer readable medium is

selected from the group consisting of CD-ROM, floppy disk, tape, flash memory, system

memory, hard drive, and data signal embodied in a carrier wave. Dedrick does disclose

the server maintaining resident databases (col. 3 lines 1-5). Additionally, Official Notice

is taken that it was old and well known at the time the invention was made that

computer readable storage media encompassed the group consisting of CD-ROM,

floppy disk, tape, flash memory. system memory, hard drive, and data signal embodied

in a carrier wave. For example, Angles et al. discloses *The advertising storage medium*

44, however, can consist of a wide range of data storage devices including, but not

limited to, digital video devices, floppy disks, hard drives, system memory, tape drives,

Personal Computer Memory Card Interface Adapter cards (PCMCIA cards), and the like

(col. 12 lines 1-6). Therefore, it would have been obvious to one skilled in the art at the

time the invention was made to modify Dedrick to disclose the computer readable

medium is selected from the group consisting of CD-ROM, floppy disk, tape, flash

memory. system memory, hard drive, and data signal embodied in a carrier wave, as

disclosed by Angles et al. and old and well known art, because this provides old and

well known storage alternatives to users of the system.

Response to Arguments

6.   Applicant's arguments filed 09/03/2002 have been fully considered but they are

not persuasive.

Applicant argues, at pg. 3-4, the Examiner also conceded that "Dedrick does

not specifically disclose sending the selected attribute to be automatically associated

with the marketing object container" (first full paragraph, page 4). Also, the Examiner

cited Angles et al. which discloses "HyperText Markup Language (HTML). A standard

coding convention and set of codes for attaching presentation and linking attributes to

informational content within documents. (HTML 2.0 is currently the primary standard

used for generating Web documents.) During a document authoring stage, the HTML

codes (referred to as "tags") are embedded within the informational content of the

document. When the Web document or ("HTML document") is subsequently transferred

from a Web server to a Web browser, the codes are interpreted by the Web browser

and used to parse and display the document. In addition to specifying how the Web

browser is to display the document, HTML tags can be used to create links to other

websites and other Web documents (commonly referred to as "hyperlinks") (col. 6 lines

37-54)" (emphasis added) (page 4 to first paragraph, page 5 of the Office Action).

Angles et al. provides support for the display and presentation formatting of content on

a Web browser, not marketing attributes as disclosed and claimed by the Applicants,

which is further explained below.

Examiner disagrees. Applicant states, at pg. 16 of the application specification,

Examples of a marketing attribute include marketing campaigns and features in

merchandising marketing, scheduling of objects to be displayed, behavior-driven

targeting of marketing material to a user, and profile-driven targeting of the marketing

material to a user (emphasis added). As stated above by applicant, Angles et al.

provides support for the display and presentation formatting of content on a Web

browser. Examiner states that these *emphasized* aspects of applicant's disclosure are

disclosed by the combination of Dedrick and Angles et al. as presented in Paper #5,

and, therefore, Dedrick and Angles et al. are appropriate prior art to applicant's

invention.

Therefore, examiner maintains the rejection.

Applicant argues, at pg. 5, The Examiner stated that the "...disclosure of Angles

et al. discloses that the use of HTML provides the functionality and utility for

automatically performing desired functions, such as claimed by applicant. Therefore, it

would have been obvious to one skilled in the art at the time the invention was made to

modify Dedrick to disclose sending the selected attribute to be automatically associated

with the marketing object container, as disclosed by Angles et al., because this

simplifies for the user access to desired information from advertiser's and others."

Applicants respectfully submit that the claimed invention is not obvious given the cited

combination of Dedrick and Angles et al. Attributes or the automatic association

thereof, as claimed by Applicants, are not obvious in light of Dedrick, Angles et al., or

the combination of these references. The combination of the consumer variables

disclosed by Dedrick and the HTML tags disclosed by Angles et al. does not yield the

Applicants' claimed invention.

Examiner disagrees. Applicant states, at pg. 16 of the application specification,

Examples of a marketing attribute include marketing campaigns and features in

merchandising marketing, scheduling of objects to be displayed, behavior-driven

targeting of marketing material to a user, and profile-driven targeting of the marketing

material to a user (emphasis added). As stated above by applicant, Angles et al.

provides support for the display and presentation formatting of content on a Web

browser. As presented in the rejection for claim 1 above, Angles et al. discloses that

the use of HTML provides the functionality and utility for automatically performing

desired functions, such as claimed by applicant; and Dedrick discloses functionality that

encompasses automatically associating characteristics (or attributes) with a marketing

container. Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to modify the disclosure of Dedrick to disclose the selected attribute

to be automatically associated with the marketing object container, as disclosed by the

combination of Dedrick and Angles et al., because this simplifies the presentation

process of content to users.

Therefore, examiner maintains the rejection.

Applicant argues, at pg. 5-6, in claim 1:

Attributes are assigned to a marketing object container. Attributes, as defined in

the specification (e.g., paragraph 1, page 16) refer to marketing attributes. Marketing

attributes include marketing campaigns and features involved with merchandising,

scheduling, behavior-driven targeting of marketing material, and profile-drive targeting

of marketing material (e.g., paragraph 1, page 16).   With regard to the Examiner's

rejection, the consumer variables of Dedrick are not marketing attributes as disclosed

and claimed by the Applicants.

The selected consumer variables are not the marketing attributes of the

Applicants' claimed invention. Dedrick defines consumer variables as referring "...to

demographic, psychographic, and other profile information" (emphasis added) (column

3, lines 35-36). Marketing attributes which refer to a marketing campaign or

advertisement are not user profiles. Dedrick discloses consumer variables, which is

information related to end users and not marketing material or advertisements.

Examiner disagrees. Applicant states, at pg. 16 of the application specification,

Examples of a marketing attribute include marketing campaigns and features in

merchandising marketing, scheduling of objects to be displayed, behavior-driven

targeting of marketing material to a user, and profile-driven targeting of the marketing

material to a user (emphasis added). While applicant states that *Marketing attributes*

which refer to a marketing campaign or advertisement are not user profiles, applicant's

specification discloses targeting related to or based on user profiles and/or behavior.

Examiner states that consumer variables are within the context of *behavior-driven*

targeting of marketing material to a user, and profile-driven targeting of the marketing

material to a user (emphasis added), that is disclosed in the applicant's specification,

and thus constitute items equivalent to marketing attributes.

Therefore, examiner maintains the rejection.

Applicant argues, at pg. 6, Dedrick discloses that "...the software tools provided

to the publisher/ advertiser 18 include software tools for embedding variables within

electronic information. The embedded consumer variables enable a client activity

monitor and a consumption device to monitor consumer interaction with the electronic

information based on the consumer's interaction with the unit of information currently

being consumed." The consumer variables are representative of information related to

end users and not publishers as the invention of Dedrick is directed to a method and

apparatus for providing electronic advertisements to end users.

Examiner disagrees. Applicant states, at pg. 16 of the application specification,

Examples of a marketing attribute include marketing campaigns and features in

merchandising marketing, scheduling of objects to be displayed, _behavior-driven_

targeting of marketing material to a user, and profile-driven targeting of the marketing

material to a user (emphasis added). Examiner states that consumer variables are

within the context of _behavior-driven targeting of marketing material to a user, and_

profile-driven targeting of the marketing material to a user (emphasis added), that is

disclosed in the applicant's specification.

Additionally, Dedrick discloses, at col. 4 lines 3-5, _The publisher/advertiser 18 is_

provided with software tools to create electronic information which includes content and

advertisements that can be transmitted over the system. Therefore, Examiner asserts

that The consumer variables are representative of information related to publishers, as

well as end users.

Therefore, examiner maintains the rejection.

Applicant argues, at pg. 6-8:

Applicants also submit that the Examiner's rejection is traversed by the

arguments herein as Dedrick does not disclose sending selected attributes to be

automatically associated with a marketing object container. The Examiner conceded

that Dedrick does not disclose automatically associating attributes, but cites Angles et

al. for the proposition that HTML automatically associates attributes.

The Examiner stated that "[T]he disclosure of Angles et al. discloses that the use

of HTML provides the functionality and utility for automatically performing desired

functions, such as claimed by applicant" (page 8 of the Office Action). However,

Applicants submit that the functionality and uses of HTML does not disclose nor render

obvious, even in combination with Dedrick, the Applicants' claimed invention. The HTML

tags of Angles et al. are not marketing attributes, and specify only the display, format,

and parsing of material. Marketing attributes describe "...what marketing objects can be

received by the marketing object container, the relationship of a particular marketing

object container to other marketing object containers, or the timing and priority of the

display of marketing objects" (paragraph 2, page 15). The marketing attributes of the

Applicants' claimed invention relate to the marketing, merchandising, or targeting of

advertising material (pgs. 16-17 of the specification), not the parsing, formatting or

display of material. Further, HTML "tags" are not automatically associated with objects

or object containers and must be manually assigned or "authored" (column 6, lines 41-

44).

In Angles et al. the functions or uses that are automatically performed are

described as being the interpretation of HTML tags used to parse and display a

document via a Web browser. Embedding HTML tags does not send a "selected attribute to be automatically associated with the marketing object container," as in Applicants' claim 1. HTML requires manual placement of tags which are different than the attributes of Applicants' claimed invention which are automatically associated.

Angles et al. teaches non-automatic association, disclosing that HTML documents must be authored, created in response to a request, or that one must embed or mark documents with tags (column 6, lines 37-51; column 13, lines 8-11; column 18, lines 34-37). Angles et al. discloses the non-automatic association of tags, which teaches away from Applicants' claimed invention and, therefore, the Examiner's rejection is improper.

As the Examiner stated, HTML is a coding convention or set of codes for attaching presentation and linking attributes to informational content. HTML can perform automatic functions or uses for presentation, display, parsing, and linking informational content via the Web (column 6, lines 50). However, none of these functions disclose the Applicants' claimed invention of "sending the selected attribute to be automatically associated with the marketing object container," as defined by the Applicants' specification. The Examiner mistakenly equates the automatic parsing, formatting and display functions of HTML as disclosed in Angles et al. with the automatic association of marketing attributes with marketing object containers of the Applicants' claimed invention, which are related to contextual development of advertising and not the presentation or display of, content.

Given that neither Dedrick nor Angles either individually or in combination

suggest the automatic association of the attributes, as defined by the Applicants'

specification and claimed in claim 1, there is no basis for an obviousness-type rejection.

Furthermore, as neither the individual references nor the cited combination of Angles et

al. and Dedrick yield the claimed invention, Applicants respectfully request withdrawal of

the obviousness rejection and submit that claim 1 is in condition for allowance.

Examiner disagrees. Applicant's claim 1 states:

A method of providing an electronic marketing presentation, comprising:

-    *renting out a marketing object container to a first party, wherein the marketing*

object container is presented in a web page associated with a second party;

-    *selecting an attribute to be associated with the marketing object container,*

wherein the first party associates the attribute with the marketing object container; and

-    *sending the selected attribute to be automatically associated with the marketing*

object container.

Claim 1 discloses <u>manually associating</u> an attribute with the *marketing object*

container, and also *sending the selected attribute to be automatically associated with*

the marketing object container, contrary to applicant's statements/comments. Examiner

asserts that the functionality of the combination of Dedrick and Angles et al. discloses

both features through the disclosures and examiner comments identified in the rejection

above for claim 1 and other claims, and in examiner's response to arguments above.

Therefore, examiner maintains the rejection.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Prior art includes:

-      Kiyono et al. (U.S. Patent No. 6,137,483) discloses a multimedia editing apparatus including a template manager, a material information manager, a template operator, a logic structure synthesizer, a layout structure synthesizer, and a physical operation determiner.

-      Wong (U.S. Patent No. 5890175) discloses a computerized method for dynamically generating and displaying a catalog including a plurality of items, each item being classified by at least group information and product information is disclosed.

-       Collins-Rector et al. (U.S. Patent No. 6188398) discloses a method for enabling
an interactive video experience utilizing the Internet in which entertainment is combined
with advertising to create an enhanced advertising experience.

-       Kurtzman et al. (U.S. Patent No. 6144944) discloses a system for selecting and
providing information. The system can include an advertisement server that provides
selected advertisements in response to a request from a web page server.

-       Cragun (U.S. Patent No. 6,161,112) discloses a presentation control mechanism
allows a user to set presentation attributes for one or more presentation items on a web
page.

-       Henson (U.S. Patent No. 6167383) discloses a web-based online store includes
a configurator, a cart, a checkout, and a database, further in which a user interface of
the online store enables a custom configuration of a computer system according to an
identification of a user belonging to a prescribed customer set..

9.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Forest O. Thompson Jr. whose telephone number is
(703) 306-5449. The examiner can normally be reached on 6:30-3:30.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers
for the organization where this application or proceeding is assigned are (703) 305-7687
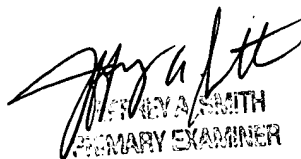for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

F. Thompson
November 5, 2002

JEFFREY A. SMITH
PRIMARY EXAMINER